

Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

July 22, 2013

Direct Dial: 949.851.7492
Email: ataber@jdtplaw.com
Reply to: Irvine Office
File No: 6746:106594

Via U.S. Mail, Facsimile (415.947.3591), & Email (r9foia@epa.gov)

U.S. EPA Region 9, FOIA Officer OPA-3
75 Hawthorne Street,
San Francisco, CA 94105
Attn: FOIA Office

Subject: Freedom of Information Act Request

Dear Sir or Madame:

Pursuant to the Freedom of Information Act (FOIA) (5 U.S.C., §§ 552 et seq.), we request that the United States Environmental Protection Agency (EPA) immediately make available for inspection and copying its "agency records" including, but not limited to, staff memoranda, correspondence, electronic mail, notices, compiled statistical evaluations, applications, approvals, permits, licenses, agreements, and contracts including documents retained in both paper and electronic form, and whether in draft or final form, *referring to, evidencing or relating to* the following:

1. All annual summary reports and precision/accuracy reports submitted by the Great Basin Unified Air Pollution Control District (District) to EPA since 2005 in accordance with 40 C.F.R. Part 58, including, without limitation, EPA's comments or assessments of the reports.
2. All semi-annual flow rate audits for ambient air quality monitors operated and maintained by the District.
3. All co-located ambient air quality monitors operated and maintained by the District near the town of Keeler, located in Owens Valley, California.
4. The 2002 Memorandum of Agreement between the California Air Resources Board (CARB), EPA and the District authorizing the District to upload its ambient air quality data directly to EPA's Air Quality System (AQS), data reporting system.
5. Any approvals by EPA related to combining CARB's Quality Assurance Plan (QAP) and the District's Quality Assurance Project Plan (QAPP) into a single document in accordance with EPA requirements.

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2030 Main Street, Suite 1200
Irvine, California 92614
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2815 Townsgate Road, Suite 200
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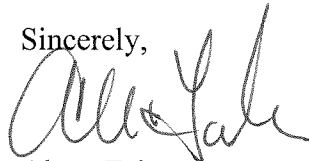
This request includes, but is not limited to, all emails and voice messages involving any EPA person and the District.

These documents are being sought by government entities in their official capacities. This request is in the public interest because it is likely to contribute significantly to the public's understanding of dust monitoring activities in the Owens Valley Planning Area ("OVPA"), and the public's ability to ensure the validity, accuracy and reliability of data obtained from dust monitors located in the OVPA, including data utilized by the District to demonstrate attainment with federal National Ambient Air Quality Standards and as the basis for issuing orders to LADWP to install dust controls in the OVPA. The basis of this request is not for a use by a media organization or for a purpose that furthers the commercial, trade or profit interests of the entity on whose behalf this request is made. As such, we are requesting that EPA waive its fees associated with searching for the requested documents. In the event our waiver request is denied, LADWP is willing to pay reasonable costs associated with searching for these documents. Please notify me if the fees associated with searching for the documents will exceed \$1,000.

We believe that all of the documents requested are subject to disclosure under FOIA. If EPA should nevertheless decide to withhold any of the requested documents from disclosure, please notify us in writing. In that correspondence please identify the documents within the scope of this request that will be withheld from disclosure, and EPA's justification for such withholding.

Thank you in advance for your prompt attention to this request. If you have any questions, please contact me at your convenience at 949.851.7492.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alene Taber', with a stylized, flowing script.

Alene Taber

cc: Michael Flagg via email only (Flagg.michaelA@EPA.gov)
Allan Zabel via email only (Zabel.allen@EPA.gov)